

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PEARSON EDUCATION, INC. AND :
CENGAGE LEARNING INC., :

Plaintiffs, :

-against- : 08 Civ. 6220 (RMB)
: ECF CASE

JOHN DOE D/B/A EXPRESS0704 :
D/B/A EXPRESS0701 D/B/A :
JEACK RET AND JOHN DOE NOS. 1-5, :

Defendants. :

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PLAINTIFFS' EX PARTE APPLICATION FOR AN
ORDER ALLOWING SERVICE BY E-MAIL ON
DEFENDANT JOHN DOE D/B/A EXPRESS0704
D/B/A EXPRESS0701 D/B/A JEACK RET
AND AUTHORIZING THE ISSUANCE OF
SUBPOENAS TO DETERMINE THE IDENTITIES
AND LOCATIONS OF DEFENDANTS

Plaintiffs hereby move pursuant to Rules 4(e)(1)
and 26(d) of the Federal Rules of Civil Procedure for an
order (i) allowing service by e-mail of the summons and
complaint on defendant John Doe d/b/a Express0704 d/b/a
Express0701 d/b/a Jeack Ret, and (ii) authorizing
plaintiffs to serve subpoenas on AbeBooks Inc., PayPal,
Inc. and Google Inc. to determine the identities and
locations of defendants, which are presently unknown to
plaintiffs.

The basis for this application is set forth in the accompanying declaration of William Dunnegan, sworn to July 11, 2008.

A proposed order is annexed.

Dated: New York, New York
July 11, 2008

DUNNEGAN LLC

By William Dunnegan
William Dunnegan (WD9316)

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Cengage Learning Inc.

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